



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Francisco Bay Region

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Arnold Schwarzenegger
Governor

Date: **MAY 30 2007**
File No. 2179.7022(MTC)

CERTIFIED MAIL NO. 7006 3450 0001 6406 4349

City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

Attn: Mr. Scott Holmes, Director of Public Works
City of Pacifica

Subject: Administrative Civil Liability under Water Code Section 13385

Dear Mr. Holmes:

Enclosed is Complaint No. R2-2007-0016 for an administrative civil liability in the amount of \$190,000. The Complaint alleges that the City of Pacifica violated the following requirements of Order No. 99-066 (NPDES Permit No. CA0038776):

- Discharge Prohibition A.2, and
- General Provision A.1 of Standard Provisions and Reporting Requirements (August 1993).

The violations consist of:

- a. An unauthorized discharge totaling 253,000 gallons of untreated sewage to waters of the State on December 3, 2005, and
- b. Creating a condition of nuisance on Rockaway Beach.

The Complaint describes the alleged violations in detail. As discussed below, you may be allowed to spend up to \$170,000 on a supplemental environmental project (SEP) that is acceptable to the Executive Officer. The deadline for submittal of written comments and evidence, SEP proposals; and waivers is **July 6, 2007, at 5 p.m.**

I plan to bring this matter to the Water Board at its August 8, 2007, meeting. The City of Pacifica has the following options:

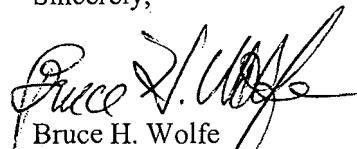
1. The City can appear before the Water Board at the meeting to contest the matter. Written comments and evidence shall be submitted by the deadline indicated above, and in accordance with the process set forth in the attached Public Notice. At the meeting, the Water Board may impose an

administrative civil liability in the amount proposed or for a different amount, decline to seek civil liability, or refer the case to the Attorney General for judicial enforcement.

2. The City can waive the right to a hearing to contest the allegations contained in the Complaint by paying the civil liability in full or undertaking an acceptable SEP of up to the amount indicated above and paying the remainder of the civil liability, all in accordance with the procedures and limitations set forth in the waiver attached to the Complaint.

If the City waives its right to a hearing, the City must mail and fax a copy of the signed waiver to the attention of Michael Chee of my staff at (510) 622-2460. If you have any questions regarding this matter, please contact Mr. Chee at (510) 622-2333 or e-mail address mchee@waterboards.ca.gov.

Sincerely,


Bruce H. Wolfe
Executive Officer

Enclosures: ACL Complaint No. R2-2007-0016
 SEP Information
 Public Hearing Notice

Copy to: standard list R-1E